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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,108	02/18/2004	Andrew Brown	200304416-2	1958

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,108

Applicant(s)

BROWN ET AL.

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050218.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

100

Detailed Action

Claims 1-22 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statement filed on 2/18/05 has been considered.

Priority

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The instant pending case 10/781,108 varies in language from parent case 09/675,281. See the first paragraph of the brief summary of the invention of both specifications. The parent case discloses "the management sub-system receives an image of a floppy drive or other peripheral drive from the remote console, and then emulates a floppy drive during the subsequent boot cycle of the host system. This emulation causes the host system to look to the management sub-system for boot code, which is then loaded and executed during the subsequent boot cycle of the host system. The instant child case states "the processor is configured to emulate a disk device

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storing the bootable image, and to boot the managed computer system from the bootable image stored in the memory.”

There are several significant changes involved between the specifications involving floppy drives being changed to disk devices; the processor emulating the drive as opposed to the management sub-system performing emulating; and which processor is performing the emulating.

Specification

The specification is objected to because of the following informalities: Page 4, para 9 references a prior application now patent number 6,363,929. This is incorrect numbering and should be patent number 6,636,929. Appropriate correction is required.

Double Patenting

Claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 09/675,281. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Instant Case 10/781,108	Parent Case 09/675,281	Details
1	1, 16, 22	Both are systems with processors, bus bridges, memory buses for emulating a disk drive
6	2, 13	Checks sub-system upon reboot (boot cycle) with control signal
7	19, 6, 1, 16, 22	Network interface to the memory, where images from from network
8	16, 22	Received from remote console

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9	15	FTP is file transfer protocol
10	15	TFTP is file transfer protocol
11	1, 16, 22	See 1
12	16, 22	See 8
13	16, 22	See 8
14	15	See 9
15	15	See 10
16	23, 26, 27	Has to reboot to go through boot sequence
17	1, 16, 22	See 1
18	16, 22	See 8
19	16, 22	See 8
20	16	See 9
21	3, 4, 24	PCI card, computer card, coupled to the computer
22	5	PCI bus

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 16-18, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,887,164 by Gupta.

Regarding claim 1, a system comprising:

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a processor (Gupta: col. 2, lines 57);

a memory coupled to the processor (Gupta: col. 2, 57); and

a bridge device coupling a system bus to the processor (Gupta: Figure 1), the system bus configured to couple to an expansion bus of a managed computer system (Gupta: col. 2, lines 57-60);

wherein the memory is configured to hold a bootable image for the managed computer system (Gupta: col. 5, lines 5-19), and wherein the processor is configured to emulate a disk drive device storing the bootable image (Gupta: col. 5, lines 5-19), and to boot the managed computer system from the bootable image stored in the memory (Gupta: col. 5, lines 5-19).

Regarding claim 7, the system as defined in claim 1 further comprising: a network interface coupled to the memory by the system bus (Gupta: col. 5, lines 20-26; col. 6, lines 11-23); wherein the bootable image is transferable to the memory through the network interface (Gupta: col. 7, lines 20-39).

Regarding claim 11, a method comprising:

transferring a bootable image for a managed computer system to a memory within a management sub-system coupled to the managed computer system (Gupta: col. 7, lines 20-39); and

emulating a floppy drive by the management sub-system to boot the managed computer system from the bootable image in the memory of the management sub-system (Gupta: col. 5, lines 5-19).

Regarding claim 16, the method as defined in claim 11 further comprising rebooting the managed computer system, by a processor of the management sub-system, prior to emulating (Gupta: col. 7, lines 46-55; Figure 2; tag 100).

Regarding claim 17, a management sub-system comprising:

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a processor (Gupta: col. 2, lines 57);

a memory coupled to the processor (Gupta: col. 2, lines 57), the memory storing a bootable image for a managed computer system (Gupta: col. 5, lines 5-19); and

a bridge device coupling a system bus to the processor (Gupta: Figure 1), and wherein the system bus is configured to couple to an expansion bus of the managed computer system (Gupta: col. 5, lines 36-57);

wherein the processor is configured to emulate a disk drive device storing the bootable image (Gupta: col. 4, lines 5-19), and the processor is further configured to boot the managed computer system from the bootable image stored in the memory (Gupta: col. 5, lines 5-19).

Regarding claim 18, the management sub-system as defined in claim 17 further comprising: a network interface coupled to the memory by the system bus (Gupta: col. 5, lines 20-26; col. 6, lines 11-23); wherein the bootable image is transferable to the memory through the network interface (Gupta: col. 7, lines 20-39).

Regarding claim 21, the management sub-system as defined in claim 17 wherein the processor, memory and network interface are mounted on an add-in card configured to be substantially within the chassis of the managed computer system (Gupta: col. 5, lines 42-62).

Regarding claim 22, the management sub-system as defined in claim 17 wherein the system bus is a Peripheral Components Interconnect (PCI) bus (Gupta: col. 5, lines 42-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,887,164 by Gupta in view of U.S. Patent No. 6,205,547 by Davis.

Regarding claim 2,

The Gupta reference teaches the system as defined in claim 1.

The Gupta reference does not explicitly state determining a source of errors.

The Davis reference teaches a processor is configured to determine a source of an error in the managed computer system by accessing components of the managed computer system over the system bus (Davis: col. 4, lines 16-27; col. 3, lines 56-59).

The Davis reference further teaches the management controller regulates behavior of the computer system by determining and modify the state of the components (Davis: col. 4, lines 63-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of a processor with memory coupled to a managed computer system as taught by Gupta while employing a system management controller as taught by Davis in order to regulate the behavior of the managed computer system by monitoring, controlling, and reporting state information (Davis: col. 4, lines 63-65).

Claims 3-6 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Gupta and Davis.

Regarding claim 3, the system as defined in claim 1 wherein the processor is configured to store information related to a state of the managed computer system in the memory (Davis: col. 4, lines 21; log file; col. 5, lines 20-35).

Regarding claim 4, the system as defined in claim 3 wherein the processor is configured to store diagnostic information about the managed computer system in the memory (Davis: col. 4, lines 21; log file; col. 5, lines 20-35).

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Regarding claim 5, the system as defined in claim 3 wherein the processor is configured to store event log information about the managed computer system in the memory (Davis: col. 4, lines 21; log file; col. 5, lines 20-35).

Regarding claim 6, the system as defined in claim 1 wherein the processor is configured to reboot the managed computer system without accessing a host processor of the managed computer system (Gupta: col. 7, lines 46-55; Figure 2; tag 100).

Claims 8-10, 12-15, 19-20 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,887,164 by Gupta in view of U.S. Patent No. 5,974,547 by Klimenko.

Regarding claim 8,

The Gupta reference teaches the system as defined in claims 1 and 7.

The Gupta reference does not explicitly state a remote management console.

The Klimenko reference teaches bootable image is transferable to the memory through the network interface from a remote management console (Klimenko: col. 8, lines 13-32).

The Klimenko reference further teaches the central administration of boot images can reduce complexity of cost for reliable emulation of booting from servers (Klimenko: col. 1, lines 41-67; col. 3, lines 31-55).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of a processor with memory coupled to a managed computer system as taught by Gupta while employing a remote management console as taught by Klimenko in order to reduce the cost of administration (Klimenko: col. 1, lines 41-67; col. 3, lines 31-55).

Claims 9-10 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Gupta and Klimenko.

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Regarding claim 9, the system as defined in claim 7 wherein the bootable image is transferable to the memory through the network interface using file transfer protocol (FTP) software (Klimenko: col. 7, lines 35, 36).

Regarding claim 10, the system as defined in claim 7 wherein the bootable image is transferable to the memory through the network interface using TFTP software (Klimenko: col. 7, lines 35, 36).

Regarding claim 12,

The Gupta reference teaches the method as defined in claim 11.

The Gupta reference does not explicitly state a remote management console.

The Klimenko reference teaches transferring a bootable image to the memory at the behest of a remote management console (Klimenko: col. 8, lines 13-32; col. 12, lines 13-21).

The Klimenko reference further teaches the central administration of boot images can reduce complexity of cost for reliable emulation of booting from servers (Klimenko: col. 1, lines 41-67; col. 3, lines 31-55).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of a processor with memory coupled to a managed computer system as taught by Gupta while employing a remote management console as taught by Klimenko in order to reduce the cost of administration (Klimenko: col. 1, lines 41-67; col. 3, lines 31-55).

Claims 13-15 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Gupta and Klimenko.

Regarding claim 13, the method as defined in claim 12 further comprising transferring the bootable image to the memory from the remote management console (Klimenko: col. 8, lines 13-32; col. 12, lines 13-21).

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Regarding claim 14, the method as defined in claim 12 further comprising transferring the bootable image through a network interface coupled to the management sub-system using a File Transfer Protocol (FTP) software (Klimenko: col. 7, lines 35, 36).

Regarding claim 15, the method as defined in claim 12 further comprising transferring the bootable image through a network interface coupled to the management sub-system using TFTP software (Klimenko: col. 7, lines 35, 36).

Regarding claim 19,

The Gupta reference teaches the management sub-system as defined in claim 18.

The Gupta reference does not explicitly state a remote management console.

The Klimenko reference teaches transferring a bootable image to the memory at the behest of a remote management console (Klimenko: col. 8, lines 13-32; col. 12, lines 13-21).

The Klimenko reference further teaches the central administration of boot images can reduce complexity of cost for reliable emulation of booting from servers (Klimenko: col. 1, lines 41-67; col. 3, lines 31-55).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of a processor with memory coupled to a managed computer system as taught by Gupta while employing a remote management console as taught by Klimenko in order to reduce the cost of administration (Klimenko: col. 1, lines 41-67; col. 3, lines 31-55).

Claim 20 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Gupta and Klimenko.

Regarding claim 20, the management sub-system as defined in claim 18 wherein the bootable image is transferred to the memory through the network interface using TFTP software (Klimenko: col. 7, lines 35, 36).

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Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 5,452,454 by Basu teaches bootstrapping from a server disk and emulating the disk on a client during the boot sequence.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

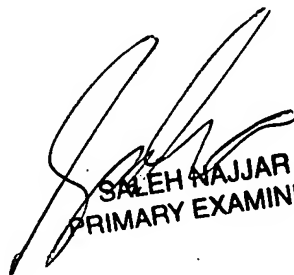
The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155
brb

BRB


SALEH HAJJAR
PRIMARY EXAMINER